

✓  
NBE  
5/11/93

By Lucio

S.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the management of certain funds of the watermaster operations of the Texas Water Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.329, ~~Texas~~ Water Code, is amended by adding Subsection (g) to read as follows:

(g) Section 403.094(h), Government Code, does not apply to the assessments paid to the Commission by holders of water rights covering the cost of administration of adjudicated water rights as provided for in this section. The assessment fees are dedicated to the Commission and may only be used for the payment of the cost of the maintenance and operations of the watermaster, for whose operations the assessments were made.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

5-7-93  
5-11-93

By: Lucio S.B. No. 1436  
(In the Senate - Filed April 27, 1993; April 28, 1993, read first time and referred to Committee on Natural Resources; May 7, 1993, reported favorably by the following vote: Yeas 7, Nays 0; May 7, 1993, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Sims	x			
Truan	x			
Armbrister	x			
Barrientos	x			
Bivins				x
Brown	x			
Carriker				x
Lucio	x			
Montford				x
Ratliff				x
Shelley	x			

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\* \* \* \* \*

Austin, Texas  
May 7, 1993

Hon. Bob Bullock  
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1436, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Sims, Chairman

\* \* \* \* \*

WITNESSES

FOR AGAINST ON

Name: Ralph Roming  
Representing: Lower Rio Grand Irr. Assoc.  
City: Round Rock

x

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

(SB) SCR SJR SR HB HCR HJR 14360  
By LUCIO  
(Author/Senate Sponsor)  
5-7-93  
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,  
have on 5-6-93, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☒ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman	X			
Truan, Vice-Chairman	X			
Armbrister	X			
Barrientos	X			
Bivins			X	
Brown	X			
Carriker			X	
Lucio	X			
Montford			X	
Ratliff			X	
Shelley	X			
TOTAL VOTES	7		4	

**COMMITTEE ACTION**

S260 Considered in public hearing

S270 Testimony taken

Carol K. McGarrah  
COMMITTEE CLERK

Bill Sims  
CHAIRMAN

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman  
Administration Committee

Sir:

Notice is hereby given that SB 1436, by: Lucia,  
(Bill No) (author)  
was heard by the Committee on NATURAL RESOURCES on 5-6, 1993,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Carol K. McFarland  
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 10 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ONE CAPITOL SQUARE, ROOM 507. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 4:00 P.M. FRIDAY.

May 11 1993 Engrossed

*Ratney Shaw*  
Engrossing Clerk

1993 MAY 17 AM 8:50

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct  
copy of SB 1436, which was  
received from the hands of S. 1193 and  
referred to the Committee on Appropriations

*[Signature]*  
Chief Clerk of the House

By: Lucio  
(Cuellar of Hidalgo)

S.B. No. 1436

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1 relating to the management of certain funds of the watermaster  
2 operations of the Texas Water Commission.

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7 the assessments paid to the commission by holders of water rights  
8 covering the cost of administration of adjudicated water rights as  
9 provided for in this section. The assessment fees are dedicated to  
10 the commission and may only be used for the payment of the cost of  
11 the maintenance and operations of the watermaster for whose  
12 operations the assessments were made.

13 SECTION 2. The importance of this legislation and the  
14 crowded condition of the calendars in both houses create an  
15 emergency and an imperative public necessity that the  
16 constitutional rule requiring bills to be read on three several  
17 days in each house be suspended, and this rule is hereby suspended,  
18 and that this Act take effect and be in force from and after its  
19 passage, and it is so enacted.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

03 MAY 20 PM 1:59

HOUSE OF REPRESENTATIVES

By: Lucio  
(Cuellar of Hidalgo)

S.B. No. 1436

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17 days in each house be suspended, and this rule is hereby suspended,  
18 and that this Act take effect and be in force from and after its  
19 passage, and it is so enacted.

# COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

5-17-93  
(date)

Sir:

We, your COMMITTEE ON APPROPRIATIONS

to whom was referred SB 1436 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

( X ) do pass, without amendment.

( ) do pass, with amendment(s).

( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( X ) yes ( ) no An author's fiscal statement was requested. ( ) yes ( X ) no

A criminal justice policy impact statement was requested. ( ) yes ( X ) no

An equalized educational funding impact statement was requested. ( ) yes ( X ) no

An actuarial impact statement was requested. ( ) yes ( X ) no

A water development policy impact statement was requested. ( ) yes ( X ) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure R. Cuellar

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Junell, Ch.	X			
McDonald, V. C.	X			
Alexander	X			
Bomer	X			
Carona				X
Clemons				X
Coleman	X			
Conley				X
Cook	X			
Cuellar, H.	X			
Cuellar, R.	X			
Delisi	X			
Denton				X
Gallego				X
Gallegos				X
Glaze	X			
Heflin				X
Hernandez	X			
Hunter, T.				X
Kubiak	X			
Martin	X			
Mowery	X			
Ogden	X			
Smith, D.	X			
Swinford	X			
Telford	X			
Vowell	X			

Total

19

aye

0

nay

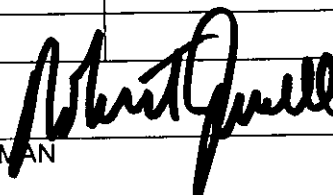
0

present, not voting

8

absent

CHAIRMAN



## BILL ANALYSIS

S.B. 1436 By: Lucio  
Sponsor: R. Cuellar

House Committee on  
Appropriations

### BACKGROUND

Under current statute, the costs of the watermaster operations of the Texas Water Commission are reimbursed through charges assessed against the holders of adjudicated water rights under the administration of the watermaster.

The 72nd Legislature, First Called Session, enacted statutory provisions in S.B. 3 which were intended to give the 73rd Legislature the opportunity to determine which of the special dedications of revenues should be maintained. Existing funds dedications are abolished and must be reenacted to be effective after August 31, 1995.

### PURPOSE

This bill would maintain the dedication of assessments paid to the Water Commission by holders of water rights reimbursing the costs of administration of adjudicated water rights.

### SECTION-BY-SECTION ANALYSIS

#### SECTION 1

Amends Section 11.329, Water Code, to exempt the assessments paid to the Water Commission by holders of water rights for the payment of the costs of the maintenance and operations of the watermaster for whose operations the assessments were made.

#### SECTION 2

Emergency clause. Effective date is upon passage.

### RULEMAKING AUTHORITY

It is the Committee's opinion that this bill grants no additional rulemaking authority to a state agency, officer, department or institution.

### SUMMARY OF COMMITTEE ACTION

S.B. 1436 was considered in a public hearing before the full committee on May 17, 1993. The Chair laid out S.B. 1436. Representative R. Cuellar, a member of the committee, explained the bill. No one else testified for, on, or against the bill. Representative Bomer moved to report the bill favorably to the Committee on Calendars. The bill was reported favorably to the Committee on Calendars with the recommendation that it do pass, by a vote of 19 aye, 0 nay, 0 PNV, and 8 absent.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

May 17, 1993

TO: Honorable Robert Junell, Chair  
Committee on Appropriations  
House of Representatives  
Austin, Texas

IN RE: Senate Bill No. 1436,  
as engrossed  
By: Lucio

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1436, as engrossed (relating to the management of certain funds of the watermaster operations of the Texas Water Commission) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, JOL

S.B. No.

1436

By

*Lucas*

A BILL TO BE ENTITLED

AN ACT:

relating to the management of certain funds of the watermaster operations of the Texas Water Commission.

4-27

Filed with the Secretary of the Senate

April 28, 1993

Read and referred to Committee on

NATURAL RESOURCES

May 7, 1993

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 11 1993

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ years, \_\_\_\_ nays

MAY 11 1993

Read second time, \_\_\_\_\_, and ordered engrossed by:

unanimous consent

a viva voce vote

\_\_\_\_ years, \_\_\_\_ nays

MAY 11 1993

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

MAY 11 1993

Read third time, \_\_\_\_\_, and passed by:

A viva voce vote

31 yeas, 0 nays

*Betty King*

SECRETARY OF THE SENATE

OTHER ACTION:

May 11, 1993

Engrossed

May 11, 1993

Sent to House

Engrossing Clerk

*Patsy Graw*

MAY 11 1993

Received from the Senate

MAY 13 1993

Read first time and referred to Committee on

APPROPRIATIONS

5.17.93

Reported favorably amended, sent to Printer at 10:00am 5.20.93

5.20.93

Printed and Distributed 1:59pm

5.20.93

Sent to Committee on Calendars 3:04pm

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

#### OTHER ACTION:

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

53 JULY 20 PM 1:59

HOUSE OF REPRESENTATIVES

OK

## BILL ANALYSIS

Senate Research Center

S.B. 1436  
By: Lucio  
Natural Resources  
5-4-93  
As Filed

### BACKGROUND

Chapter 11 of the Texas Water Code requires the executive director of the Texas Water Commission to divide the state into water divisions and to appoint a watermaster for each division. In order to perform the duty of administering adjudicated water rights, the watermaster must undertake streamflow measurement and monitoring, water accounting, and assessment billing and collection. To cover the costs of the watermaster program, holders of water rights are assessed costs. The collected assessments are then deposited into the state treasury.

However, S.B. 3, 72nd Legislature, First Called Session, 1991, abolishes all funds or special accounts in the state treasury in existence on August 31, 1995, established by statute dedicating revenue for a particular purpose or entity, unless expressly exempted or excluded.

### PURPOSE

As proposed, S.B. 1436 provides for the management of funds of the watermaster operations of the Texas Water Commission.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.329, Texas Water Code, by adding Subsection (g), as follows:

(g) Provides that Section 403.094(h), Government Code, does not apply to the assessments paid to the Texas Water Commission (commission) by holders of water rights as provided for in this section. Provides that the assessment fees are dedicated to the commission and may only be used for the payment of the cost of the maintenance and operations of the watermaster, for whose operations the assessments are made.

SECTION 2. Emergency clause.  
Effective date: upon passage.